

**REMARKS/ARGUMENTS**

Claims 1, 3-4, 7, and 10-13 are pending upon entry of this amendment. No claims have been amended or canceled by this amendment.

Claims 1, 3-4, 7, and 10-13 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite.

Claims 1, 3 and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kopf-Sill et al. ('512) or Kopf-Sill et al. ('790) in view of van der Moolen et al. and further in view of Crabtree et al.

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kopf-Sill et al. ('512) or Kopf-Sill et al. ('790) in view of van der Moolen et al. and further in view of Crabtree et al. and further in view of Squire et al.

Claims 10-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kopf-Sill et al. ('512) or Kopf-Sill et al. ('790) in view of van der Moolen et al. and further in view of Crabtree et al. and further in view of Armstrong et al.

***Rejections Under 35 U.S.C. § 112***

Claim 1 recites "determining a velocity dependence of the measurement of the characteristic parameter" among other elements. In the pending rejection, the Examiner states that step c recites "a velocity dependence measurement of the characteristic parameter is determined." The Examiner has failed to note that a velocity dependence of the measurement of the characteristic parameter is determined.

Applicants believe that a careful reading of the claim language will demonstrate that in step (b), a measurement of the characteristic parameter of the analyte is made and in step (c) a determination is made of the velocity dependence of the measurement of the characteristic parameter previously made in step (b).

Thus, Applicants respectfully request that the Examiner withdraw the pending rejection under Section 112.

***Rejections Under 35 U.S.C. § 103(a)***

Claim 1 recites "measuring the characteristic parameter of the analyte within the fluid flow channel at a plurality of different detection zones separated along a flow path of the analyte in between the first and the second positions," among other elements. The characteristic parameter of the analyte is independent of a flow velocity of the analyte. Neither the primary or secondary references teach or suggest at least these elements in the manner claimed. Therefore, claim 1 is in condition for allowance.

Applicants note that both of the Kopf-Sill references (U.S. Patent No. 6,613,512 to Kopf-Sill et al. (the '512 patent) and U.S. Patent No. 6,524,790 to Kopf-Sill et al. (the '790 patent)) teach a characteristic parameter that depends on the flow velocity. Thus, the teaching of these references is in sharp contrast with the claimed invention, in which the characteristic parameter is independent of the flow velocity. Moreover, the other cited references, either considered alone or in combination, do not make up for these deficiencies in the Kopf-Sill references.

In the Response to Arguments section of the pending Office action, the Examiner stated that "van der Moolen et al. have been added to demonstrate that velocity measurements may be normalized to provide results which are independent of the flow velocity." Regardless of the accuracy or inaccuracy of this assertion related to normalization by the Examiner, the Examiner has still failed to provide a reference that teaches or suggests measurement of characteristic parameters that are independent of a flow velocity. Therefore, claim 1 is allowable over the cited references, either considered alone or in combination.

Claims 3-4, 7, and 10-13, which depend from claim 1, are in condition for allowance, for at least the reasons discussed in relation to claim 1, as well as for the additional elements they recite.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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